

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

TOM OGNIBENE, et al.  
(see attached)

AMENDED  
SUMMONS IN A CIVIL ACTION

V.  
FREDERICK A.O. SCHWARTZ, JR., et al,  
(see attached)

CASE NUMBER: 08 CV 01335 (LTS) (THK)

TO: (Name and address of Defendant)

FREDERICK A.O. SCHWARTZ, JR., et al,  
(see attached)

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Charles Capetanakis, Esq., Davidoff Malito & Hutcher, LLP, 605 Third  
Avenue, New York, New York 10158 and James Bopp, Jr., Esq. and Joe  
La Rue, Esq., Bopp, Coleson & Bostrom, 1 South 6th Street, Terre Haute,  
Indiana 47807

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FEB 27 2008

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK

**Plaintiffs:**

**TOM OGNIBENE, YVETTE VELAZQUEZ BENNETT, VIVIANA VAZQUEZ-HERNANDEZ, MARTIN DILAN, MARLENE TAPPER, LEROY COMRIE, ROBERT PEREZ, FRAN REITER, SHEILA ANDERSEN-RICCI, MARTINA FRANCA ASSOCIATES, LLC, REITER/BEGUN ASSOCIATES, LLC, DENIS GITTENS, OSCAR PEREZ, MICHELE RUSSO, THE KINGS COUNTY COMMITTEE OF THE NEW YORK STATE CONSERVATIVE PARTY, and THE NEW YORK STATE CONSERVATIVE PARTY,**

**all c/o Davidoff Malito & Hatcher, LLP, 605 Third Avenue, New York, New York 10158**

**Defendants:**

**FREDERICK A.O. SCHWARZ, Jr., in his official capacity as Chairman of New York City's Campaign Finance Board; DALE C. CHRISTENSEN, Jr., JOSEPH P. PARKES, S.J., KATHERYN C. PATTERSON, and MARK S. PIAZZA, in their official capacities as Members of New York City's Campaign Finance Board; MARK DAVIES, in his official capacity as Executive Director of the New York City Conflicts of Interest Board; MONICA BLUM, STEVEN ROSENFELD, ANDREW IRVING, and ANGELA M. FREYRE, in their official capacity as Members of New York City's Board of Conflicts of Interest; and MICHAEL MCSWEENEY, in his official capacity as Acting City Clerk of New York City,**

**all c/o Jonathan Pines, Esq., Corporation Counsel of the City of New York, 100 Church Stret, New York, New York 10007**

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**RETURN OF SERVICE**

<b>Amended</b>	
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE February 29, 2008
NAME OF SERVER ( <i>PRINT</i> ) Carmelo Artega	TITLE

*Check one box below to indicate appropriate method of service*

- ☒ Served personally upon the defendant. Place where served:  
Corporation Counsel of the City of New York, 100 Church Street, 4th Floor, New York, New York 10007,  
Attn: Jonathan Pines, Esq.
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL \$0.00
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on March 4, 2008  
Date

Carmelo Artega  
Signature of Server  
Davidoff Malito & Hatcher LLP  
605 Third Avenue, 34th Floor  
New York, NY 10158  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.